

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

TERESA FANNON,

Plaintiff,

v.

FLOOR AND DECOR OUTLETS  
OF AMERICA, INC.

Defendants.

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Civil Filing No. 1:22-cv-482

**NOTICE OF REMOVAL**

Defendant, FLOOR & DECOR OUTLETS OF AMERICA, INC. (hereinafter “Floor & Decor”), by and through counsel, hereby give notice of removal of the above action from the Circuit Court of the City of Alexandria, Virginia (“Circuit Court”) to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit and this Notice of Removal.

In support of this Notice of Removal, Defendant states as follows:

1. There is pending in the Circuit Court for the City of Alexandria, Virginia a Complaint styled *Teresa Fannon v. Floor and Decor Outlets of America, Inc.*, Case No. CL22001367 (the “State Court Action”). The Complaint in the State Court Action was filed on or about March 30, 2022. A copy of the Complaint is attached hereto as **Exhibit A**.

2. Floor & Decor was served with a copy of the Complaint in the State Court Action on or about April 5, 2022. Floor & Decor filed an Answer to Plaintiff’s Complaint on April ,

2022 in the Circuit Court for the City of Alexandria. A copy of the Answer is attached as **Exhibit B**.

3. There have been no further proceedings in the State Court Action.

4. This Notice of Removal is filed within thirty days upon which Defendant was first served with a copy of the Complaint and is therefore timely pursuant to 29 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a) because the State Court Action is subject to the original of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Floor & Decor is informed and believes the plaintiff, Teresa Fannon, is an individual residing in and a citizen of the State of Virginia. *See* Ex. A ¶ 1.

7. Floor & Decor is incorporated in the State of Delaware and has its principle place of business in the state of Georgia.

8. Plaintiff's Complaint seeks damages in the amount of \$500,000.00.

9. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity exists between the Plaintiff and the Defendant, and (b) the amount in controversy herein exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

10. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for the City of Alexandria, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant FLOOR AND DECOR OUTLETS OF AMERICA, INC., by counsel, respectfully requests that this case proceed before this Court as an action properly removed.

/s/ Brian A. Cafritz

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Notice of Removal was electronically mailed and mailed postage prepaid, this 2<sup>nd</sup> day of May, 2022, to:

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